



TM

CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution of Intention to Abandon a Portion of Maxwell Street; Refer the Matter to Planning Commission; and Set Public Hearing for November 3, 2004

MEETING DATE: September 15, 2004

PREPARED BY: Public Works Director

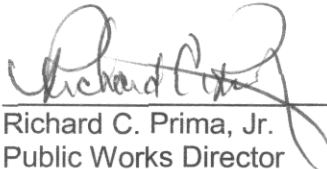
RECOMMENDED ACTION: That the City Council adopt a Resolution of Intention to consider abandonment of a portion of Maxwell Street, as shown on Exhibit A; refer the matter to the Planning Commission for approval; and set a public hearing for the regular Council meeting of November 3, 2004.

BACKGROUND INFORMATION: On May 19, 1977, Maxwell Street was dedicated as a public street with the "A.B.T. Industrial Park" development. The street was 190 feet long, with a cul-de-sac bulb at the west terminus. Subsequently, on April 19, 1979, a parcel map was filed that dedicated public street right-of-way for Ackerman Drive, a north-south 60-foot wide street that intersected the Maxwell Street cul-de-sac and created a surplus of public right-of-way, as shown on Exhibit A. The owner of the parcel at 1615 South Stockton Street, which is contiguous to the Maxwell and Ackerman Streets right-of-way, has requested that the 537 square feet of surplus right-of-way be abandoned.

A public utility easement will be retained over the abandoned street easement. Existing SBC Pacific Bell overhead lines will remain.

SBC Pacific Bell and PG&E have approved the abandonment on the condition an easement is maintained. City of Lodi Electric Utility and Public Works Departments have approved the street abandonment without comment.

FUNDING: Not applicable.


Richard C. Prima, Jr.
Public Works Director

Prepared by Jeannie Matsumoto, Senior Engineering Technician

RCP/JHM/pmf

Attachment

cc: D. Stephen Schwabauer, City Attorney
Rad Bartlam, Community Development Director

APPROVED:


Janet S. Keeter, Interim City Manager

RESOLUTION NO. 2004-190

A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS
INTENTION TO ABANDON A PORTION OF MAXWELL STREET,
REFERRING THE MATTER TO THE PLANNING COMMISSION,
AND FURTHER SETTING A PUBLIC HEARING

=====

BE IT RESOLVED by the City Council of the City of Lodi as follows:

It is the intention of the City Council of the City of Lodi, acting in accordance with the provisions of Section 8300 et seq. of the Streets and Highways Code of the State of California, to vacate and abandon 537 feet of Maxwell Street located at 1615 South Stockton Street, Lodi, California, as recorded on May 19, 1977, in Book of Maps and Plats, Volume 22, Page 67, San Joaquin County Records, and as shown on Exhibit A attached hereto and thereby made a part hereof; and

Pursuant to the requirements of Government Code Section 27288.1, the name of the owner of the title or interest in 1615 South Stockton Street, as it appeared at the time and in the document creating the interest, right, or encumbrance, is as follows:

BRYON L. WEISZ, TRUSTEE, et al.

BE IT FURTHER RESOLVED that a public utility easement will be retained over the abandoned street easement, and the existing SBC Pacific Bell overhead lines will remain.

BE IT FURTHER RESOLVED that this matter shall be referred to the Planning Commission for approval; and

BE IT FURTHER RESOLVED that this City Council does hereby fix **Wednesday, November 3, 2004, at the hour of 7:00 p.m., in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California**, as the time and place when and where all persons interested in or objecting to this proposed vacation may appear before this City Council and be heard; and

BE IT FURTHER RESOLVED that the Public Works Director shall cause to be posted notices of abandonment conspicuously along the line of the portion of street hereinabove described and proposed to be abandoned in the manner, form, and for the length of time set forth in Section 8323 of the Streets and Highways Code of the State of California; and

BE IT FURTHER RESOLVED that copies of this resolution shall be published for at least two successive weeks prior to November 3, 2004, in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, County of San Joaquin.

Dated: September 15, 2004

=====

I hereby certify that Resolution No. 2004-190 was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 15, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Howard, Land, and Mayor Hansen

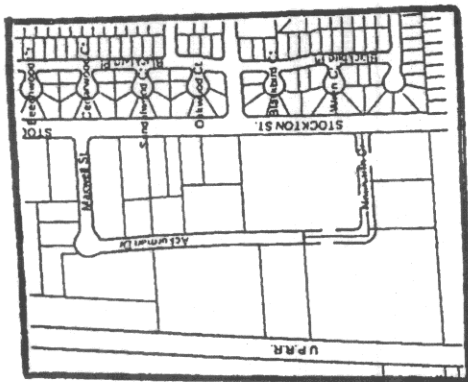
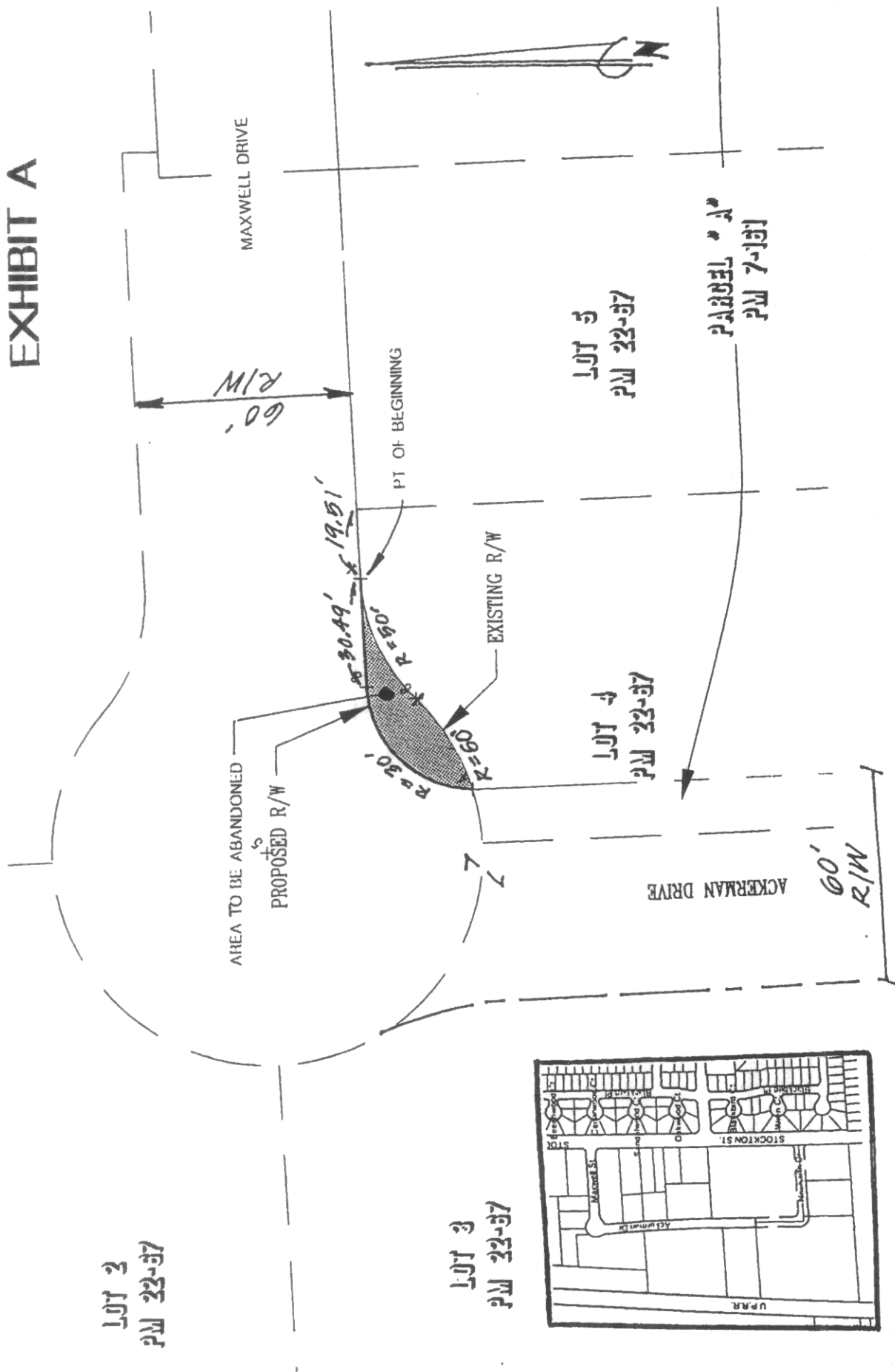
NOES: COUNCIL MEMBERS – Hitchcock

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


SUSAN J. BLACKSTON
City Clerk

EXHIBIT A



PROOF OF PUBLICATION

(2015.5 C.C.C.P.)

STATE OF CALIFORNIA

County of San Joaquin

I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Lodi News-Sentinel, a newspaper of general circulation, printed and published daily except Sundays and holidays, in the City of Lodi, California, County of San Joaquin and which newspaper had been adjudicated a newspaper of general circulation by the Superior Court, Department 3, of the County of San Joaquin, State of California, under the date of May 26th, 1953. Case Number 65990; that the notice of which the annexed is a printed copy (set in type not smaller than non-pareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereto on the following dates to-wit:

September 24th, October 1st

all in the year 2004.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Lodi, California, this 1st day of October, 2004

Signature

This space is for the County Clerk's Filing Stamp

RECEIVED

OCT 07 2004

CITY CLERK
CITY OF LODI

Proof of Publication of

Notice of Public Hearing
City of Lodi, Resolution No. 2004-190

NOTICE OF PUBLIC HEARING
RESOLUTION NO. 2004-190

A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO ABANDON A PORTION OF MAXWELL STREET, REFERRING THE MATTER TO THE PLANNING COMMISSION, AND FURTHER SETTING A PUBLIC HEARING

BE IT RESOLVED by the City Council of the City of Lodi as follows:

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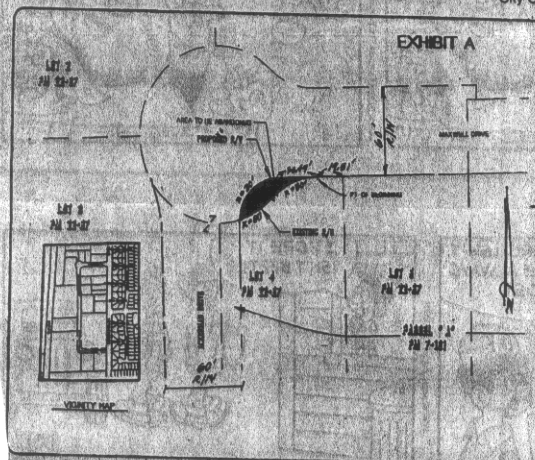
BE IT FURTHER RESOLVED that copies of this resolution shall be published for at least two successive weeks prior to November 3, 2004, in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, County of San Joaquin.

Dated: September 15, 2004

I hereby certify that Resolution No. 2004-190 was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 15, 2004, by the following vote:

AYES:	COUNCIL MEMBERS - Beckman, Howard, Land, and Mayor Hansen
NOES:	COUNCIL MEMBERS - Hitchcock
ABSENT:	COUNCIL MEMBERS - None
ABSTAIN:	COUNCIL MEMBERS - None

SUSAN J. BLACKSTON
City Clerk



Oct 24, Oct 1, 2004

7121



***Please immediately confirm receipt
of this fax by calling 333-6702***

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: RESOLUTION OF INTENTION TO ABANDON PORTION OF MAXWELL STREET
(LOCATED AT 1615 SOUTH STOCKTON STREET)

LEGAL AD

PUBLISH DATE: FRIDAY, SEPTEMBER 24, 2004
FRIDAY, OCTOBER 1, 2004

TEAR SHEETS WANTED: Three (3) please

SEND AFFIDAVIT AND BILL TO: SUSAN BLACKSTON, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, SEPTEMBER 16, 2004

ORDERED BY:

KARI J. CHADWICK
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK


JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

PLEASE →

SEND PROOF OF ADVERTISEMENT. THANK YOU!!

LNS Faxed to the Sentinel at 369-1084 at 2:40pm (time) on 9/16/04 (date) 3 (pages)
Phoned to confirm receipt of all pages at (time) Jac Jen (initials)



DECLARATION OF POSTING

RESOLUTION OF INTENTION TO ABANDON PORTION OF MAXWELL STREET (LOCATED AT 1615 S. STOCKTON STREET)

On Thursday, September 16, 2004, in the City of Lodi, San Joaquin County, California, a Resolution of Intention to abandon portion of Maxwell Street (located at 1615 S. Stockton Street) (attached hereto, marked Exhibit "A"), was posted at the following four locations:

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

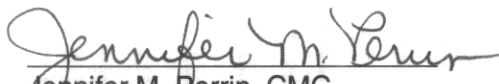
Executed on September 16, 2004, at Lodi, California.

ORDERED BY:

SUSAN J. BLACKSTON
CITY CLERK

Jacqueline L. Taylor, CMC
Deputy City Clerk

Kari J. Chadwick
Administrative Clerk


Jennifer M. Perrin, CMC
Deputy City Clerk



DECLARATION OF MAILING

COVER LETTER AND RESOLUTION OF INTENTION TO ABANDON PORTION OF MAXWELL STREET (LOCATED AT 1615 S. STOCKTON STREET)

On September 16, 2004, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a cover letter and Resolution of Intention to abandon portion of Maxwell Street (located at 1615 S. Stockton Street), marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 16, 2004, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON
CITY CLERK, CITY OF LODI**

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK

The signature of Jennifer M. Perrin is a cursive script that reads "Jennifer M. Perrin". It is written over a horizontal line.

KARI J. CHADWICK
ADMINISTRATIVE CLERK

CITY COUNCIL

LARRY D. HANSEN, Mayor
JOHN BECKMAN,
Mayor Pro Tempore
SUSAN HITCHCOCK
EMILY HOWARD
KEITH LAND

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702
FAX (209) 333-6807
cityclrk@lodi.gov

JANET S. KEETER
Interim City Manager
SUSAN J. BLACKSTON
City Clerk
D. STEPHEN SCHWABAUER
City Attorney

EXHIBIT A

September 16, 2004

TO: Interested Parties

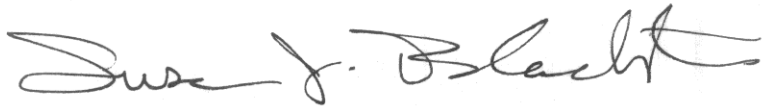
**VACATION: TO ABANDON 537 FEET OF MAXWELL STREET, LOCATED AT
1615 SOUTH STOCKTON STREET**

This is to inform you that the City Council, at its regular meeting on September 15, 2004, adopted a Resolution of Intention to abandon 537 feet of Maxwell Street, located at 1615 South Stockton Street, and set a public hearing for November 3, 2004.

Enclosed for your information is a certified copy of the resolution along with a map of the area to be abandoned.

In addition, this matter has been referred to the Planning Commission and will be heard at its regular meeting of September 22, 2004. Please contact the Community Development Department at (209) 333-6711 if you have any questions.

Should you have questions regarding the abandonment, please contact Public Works Director Richard Prima at (209) 333-6706.



Susan J. Blackston
City Clerk

SJB/jmp

Enclosure

cc: Public Works Director
Community Development Director

NOTICE OF PUBLIC HEARING

RESOLUTION NO. 2004-190

A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS
INTENTION TO ABANDON A PORTION OF MAXWELL STREET,
REFERRING THE MATTER TO THE PLANNING COMMISSION,
AND FURTHER SETTING A PUBLIC HEARING

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NOES: COUNCIL MEMBERS – Hitchcock

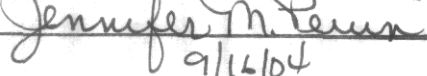
ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

The foregoing document is certified to be a correct copy of the original on file in the City Clerk's Office.

Jennifer M. Perrin
Deputy City Clerk, City of Lodi


SUSAN J. BLACKSTON
City Clerk

By: 
Dated: 9/14/04

2004-190

EXHIBIT A

LOT 3
PM 22-37

LOT 3
PM 22-37

LOT 5
PM 22-37

LOT 4
PM 22-37

PABREL "A"
PM 7-131

MAXWELL DRIVE

ACKERMAN DRIVE

60' R/W

60' R/W

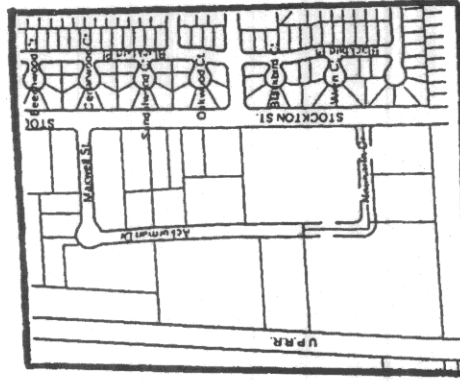
PT OF BEGINNING

AREA TO BE ABANDONED
PROPOSED R/W

EXISTING R/W

30.49' x 19.51'
R=30'
R=50'
R=60'

7



VICINITY MAP



**VACATION / ABANDONMENT
MAILING LIST**

RESOLUTION OF INTENTION (Setting Public Hearing)

Certified copy w/cover letter to:

PG&E
12 W. Pine Street
Lodi, CA 95240

AT&T
6343 Tam O'Shanter Drive
Stockton, CA 95210

Pacific Bell
44 W. Yokuts Avenue
Stockton, CA 95207

Central Valley Waste Services
P.O. Box 241001
Lodi, CA 95241-9501

Chief Deputy County Surveyor
Attn: Joe Bussalacci
1810 E. Hazelton Avenue
Stockton, CA 95205

Certified copies to:

Jeannie Matsumoto, Public Works

Wes Fujitani, Public Works

Community Development Department

Police Department

Fire Department

RESOLUTION OF VACATION (After Public Hearing)

Certified copy w/cover letter:

PG&E

AT&T

Pacific Bell

Central Valley Waste Services

Chief Deputy County Surveyor

Jeannie Matsumoto, Public Works

Wes Fujitani, Public Works

Community Development Department

Police Department

Fire Department

WEISZ WAYNE & MICHELLE
2700 WATT AVE RM 2305
SACRAMENTO CA 95821

SCHIMKE ROBERT C TR ETAL
1900 W LODI AVE
LODI CA 95242

LEEDY FOSTER
PO BOX 1271
LODI CA 95241

GAMBLIN K DOUGLAS & R V TR
3444 E JAHANT RD
ACAMPO CA 95220

WELK PAUL JAMES & SANDRA K
15880 N CURRY AVE
LODI CA 95240

MARKLE RONNIE G & PATRICIA
513 CONNIE ST
LODI CA 95240

WEISZ BYRON L TR ETAL
1615 S STOCKTON ST
LODI CA 95240

ROUPPET GARY E
1581 S STOCKTON ST
LODI CA 95240

WEISZ WAYNE N TR ETAL
1615 S STOCKTON ST
LODI CA 95240

VALENSIN RANDY G & LYNNE
1987 FM 113 NORTH
WEATHERFORD TX 76088

TONKS JEFFREY M & CATHY M
4908 SIR.EDWARDS CT
FAIR OAKS CA 95628


STEPHENS ANDREW & MARGARET
2328 WINTERGREEN CT
LODI CA 95242

KB HOME NORTH BAY INC
611 ORANGE DR
VACAVILLE CA 95687



MEMORANDUM
Office of the Lodi City Clerk

TO: Community Development Director

FROM: Susan J. Blackston 
City Clerk

DATE: September 16, 2004

SUBJECT: A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS
INTENTION TO ABANDON 537 FEET OF MAXWELL STREET,
LOCATED AT 1615 SOUTH STOCKTON STREET

Please be advised that the Lodi City Council, at its regular meeting of September 15, 2004, adopted a resolution declaring its intention to abandon 537 feet of Maxwell Street, located at 1615 South Stockton Street (attached).

Further, the City Council referred the matter to the Planning Commission for its recommendation and set the matter for a Public Hearing before the Lodi City Council on November 3, 2004.

SJB/JMP


Attachment

cc w/o enc: Public Works Department



MEMORANDUM
Office of the Lodi City Clerk

TO: Public Works Director

FROM: Susan J. Blackston 
City Clerk

DATE: September 16, 2004

SUBJECT: RESOLUTION OF INTENTION TO ABANDON 537 FEET OF MAXWELL STREET, LOCATED AT 1615 SOUTH STOCKTON STREET, LODI

Please be advised that the City Council, at its meeting of September 15, 2004, adopted the attached resolution declaring its intention to abandon 537 feet of Maxwell Street, located at 1615 South Stockton Street, and set the matter for public hearing on November 3, 2004.

Pursuant to law, the Public Works Department is required to post at least three copies of the subject resolution and map in the area to be abandoned at least 15 days prior to the Public Hearing. Upon completion of the posting, please forward a copy of the Affidavit of Posting to me for our records.

Please contact me should you have any questions.

SJB/JMP

Attachment